

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

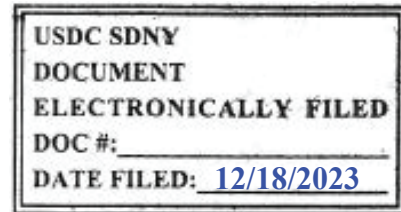
TYNEARIA A. VARLACK,

Plaintiff,

-against-

BANK OF AMERICA et al.,

Defendants.



23-CV-6270 (JHR)

ORDER OF SERVICE

JENNIFER H. REARDEN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated her rights under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.*¹ By order dated July 31, 2023, the court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve

¹ By order dated October 16, 2023, the Honorable Laura Taylor Swain, in her capacity as Chief Judge, construed Plaintiff’s claims as arising under the FCRA and directed Plaintiff to amend her claims because she failed to allege that she disputed the information that she alleges Defendants erroneously placed on her credit report. (ECF No. 5 at 6.) Chief Judge Swain directed Plaintiff to file an amended complaint to plead facts concerning the information Defendants allegedly are erroneously reporting; that she disputed the information; and that Defendants investigated her claims, but that their investigation was deficient. (*Id.*). Plaintiff filed an amended complaint on October 25, 2023. (ECF No. 6.)

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the amended complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Bank of America, Early Warning Systems, and Chex Systems through the U.S. Marshals Service, the Clerk of Court is instructed to complete a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the amended complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that the plaintiff bears responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

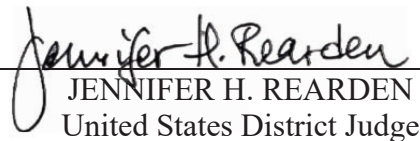
CONCLUSION

The Clerk of Court is instructed to complete the USM-285 forms with the addresses for Bank of America, Early Warning Systems, and Chex Systems and to deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: December 18, 2023
New York, New York


JENNIFER H. REARDEN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Bank of America
P.O. Box 44145
Jacksonville, Florida 32231
2. Early Warning Systems
5801 N. Pima Road
Scottsdale, Arizona 85250
3. Chex Systems
Attn: Consumer Relations
P.O. Box 583399
Minneapolis, Minnesota 55458